

DECLARATION

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Andy Kwiecien, of full age, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury the following:

1. I have personal knowledge of the information contained here and if called upon to do so, I would be prepared to testify to this information.
2. I am employed as an Apprentice Instructor for the Tuckpointers Local 52 Apprenticeship Program and as an Organizer for Bricklayers District Council No. 1.
3. I was working as an Organizer in early 2006.
4. On February 7, 2006, I applied for a job with Z. D. Masonry.
5. I applied for the job along with Robert Fital, who is also a Union employee. We spoke to the superintendent for Z. D. Masonry and asked if he was hiring bricklayers. He said he was but he could see from our Union jackets that we were in the Union and he said his business was non-union and he expected it to stay that way. He told us he needed bricklayers, paid \$20.00 an hour and up for bricklayers, and would hire us if we left the Union.
6. Neither of us said we were willing to leave the Union and therefore he did not hire us.
7. During the period between February 2006 and November 2007, I frequently monitored work by Z. D. Masonry and the other businesses owned by Zbigniew

Dziadana. I was involved in picketing for extended periods at three separate locations, observed the work at those locations at times we were not picketing, and also observed work by the businesses at various other locations. My best estimate is that I spent between 60 and 90 days picketing at one location or another and that I have been on jobs being run by Mr. Dziadana 40 or 50 other times between early 2006 and November 2007.

8. I have been involved in picketing, observing the work, or doing both at projects at Fullerton and Janssen, Halsted and Diversey, Morgan near Monroe, and Cicero and Quincy. At Fullerton and Janssen, they had two separate projects consisting of storefronts and condominiums, and they were working from early 2006 through August 2007. The job at Halsted and Diversey had also started by early 2006 and continued through the summer of 2007, and involved constructing condominiums. The job on Morgan involved building several townhouses, and went from April through November 2007, and the job at Cicero and Quincy also involved townhouses, with that work beginning in the spring of 2007 and continuing for about three months.

9. In addition to those job sites that I remember, I have also been at several other locations where Mr. Dziadana's businesses were working, but I cannot recall the locations. I came to recognize the faces of many of the employees and I also know their trucks and the equipment. All of these projects involved building condominiums or townhouses, sometimes with storefronts on the ground floor.

10. Based on what I observed, I believe Mr. Dziadana's businesses have been very busy and have been working on more than one job at all times from when I began observing them in early 2006 until approximately the end of November 2007. The only breaks were when weather prevented them from working.

11. From my observations, the work begins at 8:00 a.m. and during the time of the year there is enough light, it generally continues until about 6:00 p.m. or later, five days a week, and until about 4:30 p.m. on Saturday. I would say that is their normal schedule from about the beginning of March until the middle of October. During the other months, they seem to stop work closer to 4:30 because it begins getting dark, and I think they only did a small amount of work from about the middle of December 2006 until about the middle of January 2007. From what I saw, they would usually make up any time they lost because of bad weather by extending the work day as long as there was enough light and by working later than usual on a Saturday.

12. From my observations, I am satisfied that the businesses had about 20 employees at a time working on each of their active projects, with some of those employees being bricklayers and others being laborers or truck drivers.

13. I have never seen anybody working for any of Dziadana's companies who is not white.

I have read the foregoing Declaration and swear that it is true and correct to the best of my knowledge, information, and belief.

Andy Kwiecien
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Date: 03/17/2008